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To: Examiner Anabel TON

From: E. Goldberg

Fax: 703-872-9306 (AU 2875)

Date: May 17, 2005

Phone:

Pages: 24 (including cover sheet)

Your 10/667,372

Our [1472-0304PUS]

Ref.:

Ref.: 0649-1081PUS1

Re: Toshihide TAKAHASHI - Appl.  
No. 10/667,372

cc:

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COMMENTS: FOR INTERVIEW THURSDAY, MAY 19, 2005 @ 10:30 A.M.

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MS AMENDMENT  
PATENT  
1472-304P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: T. Takahashi                      Conf.: 9207  
Appl. No.: 10/667,372                      Group: 2875  
Filed: September 23, 2003                      Examiner: A. Ton  
For: LAMP MOUNTING APPARATUS

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*Proposed*

REPLY UNDER 37 C.F.R. § 1.111

MS AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Due Date: May 24, 2005

Sir:

In reply to the Office Action dated February 24, 2005, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

Appl. No. 10/667,372

AMENDMENTS TO THE CLAIMS

1. (Original) A lamp mounting apparatus, comprising:
  - an outer panel member mounted on a frame member of a vehicle and defining a part of an outer surface of the vehicle;
  - a lamp unit disposed adjacent to said outer panel member;
  - a positioning projection protruding from one of said outer panel member and said lamp unit;
  - a positioning opening formed in the other one of said outer panel member and said lamp unit, said positioning hole adapted to receive said positioning projection;
  - positioning abutment parts provided in said lamp unit and said outer panel member, and said positioning abutment parts abut one another when said positioning projection has been inserted into said positioning hole, to thereby position said lamp unit at a predetermined location along a protruding direction of said positioning projection;
  - a first temporal fastening member protruding from one of said lamp unit and said frame member, and having a plurality of engaged parts formed along the protruding direction of said positioning projection; and
  - a second temporal fastening member provided in the other one of said lamp unit and said frame member, and having an engaging part adapted to engage with said engaged parts provided in said first temporal fastening member.

Appl. No. 10/667,372

2. (Currently Amended) TheA lamp mounting apparatus according to claim 1, wherein said first temporal fastening member is a shaft-like member having a plurality of projections formed on an outer circumference thereof in a manner extending along a circumferential direction thereof.

3. (Currently Amended) TheA lamp mounting apparatus according to claim 2, wherein said second temporal fastening member includes an annular member having engaging parts adapted to engage with said projections of said first temporal fastening member, said engaging parts being formed on an inner circumferential surface of said second temporal fastening member.

4. (Currently Amended) TheA lamp mounting apparatus according to claim 3, wherein said positioning projection is tapered toward a tip thereof, and said annular member is formed with an inclined surface in an opening thereof, into which said shaft-like member is inserted, to guide said shaft-like member from the outer circumference toward the center of the opening.

5. (New) The lamp mounting apparatus according to claim 1 wherein the engaged part includes two parts which oppose each other.

Appl. No. 10/667,372

6. (New) The lamp apparatus according to claim 1 wherein the second tempered fastening member is a clip.

7. (New) The lamp mounting apparatus of claim 6 wherein the clip includes a frame part and extending parts.

8. (New) The lamp mounting apparatus of claim 7 wherein the frame is rectangular and the extending parts are located at two sides of the frame.

pp1. No. 10/667,372

REMARKS

Claims 1-8 are pending.

Claim 1 is an independent claim.

Foreign Priority

The indication that the claim for foreign priority has been received and the certified copies have been placed in the file is noted.

Information Disclosure Statement

The indication that the Information Disclosure Statement filed and the documents thereon have been considered is noted.

Reply to Rejections

Claims 1-4 are rejected under 35 USC 102(b) as being anticipated by Shimichi (JP11048856). This rejection is traversed.

It is noted that in Section 2 of the Office Action, apparently there was a typing error and the dependent claims may have been intended to be inserted. In any case, as claim 1 is considered patentable for the reasons set forth below, the dependent claims 2-4 are considered patentable at least for the same reasons as the base claim.

For the convenience of the Examiner, a machine translation of JP11-048856A has been provided.

In rejecting the claims, it is the Examiner's position that the "first temporal fastening member (34) "... and a second

apl. No. 10/667,372

fastening member provide in the other one of said lamp unit and engaging part provided in said first temporal". Also in the Office Action, the Examiner identifies element 32 as a first temporal member and elements 34, 44, 46 as the second temporal fastening member. Initially, element 32 shown for example in Figure 4, is a pin. See paragraph 33 of the translation. Also while element 34 is also a pin which does engage element 44 as shown on Figure 5.

Claim 1 calls for the structure as follows:

a first temporal fastening member protruding from one of said lamp unit and said frame member, and having a plurality of engaged parts formed along the protruding direction of said positioning projection; and

a second temporal fastening member provided in the other one of said lamp unit and said frame member, and having an engaging part adapted to engage with said engaged parts provided in said first temporal fastening member.

The first temporal member is element 36 which has a plurality of engaged parts formed along the protruding direction of said positioning projection and a second temporal fastening member 10... having an engaging part adapted to engage with said engaged parts provided in said first temporal fastening member. As can be seen with reference to Figure 6 of the present specification, pin 36 is the first temporal fastening member and clip 10 is the second temporal fastening member. In the claim, it is

apl. No. 10/667,372

required that the first temporal fastening member has a plurality of engaging parts formed along the protruding direction of said positioning projection and that the second temporal fastening member has an engaging part adapted to engage with said engaging parts provided in said first temporal fastening member. This is clearly shown in Figure 6 of the present specification as described, for example, in paragraph 21 on page 6 of the specification.

Therefore it is submitted that the structure claimed is not shown specifically or inherently in the reference applied. Accordingly, a rejection under 35 USC 102 is not viable.

Claims 2-4 that depend from claim 1 are considered patentable, at least for the same reasons as base claim 1.

The Examiner is requested to reconsider and withdraw the rejection under 35 USC 102.

#### New Claims

New claims 5-8 have been added. In the first instance, these claims are considered patentable at least for the same reasons as base claim 1 or the intervening claims. Furthermore, these claims add specific structure which is not shown specifically or inherently in the reference.



Appl. No. 10/667,372

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By - DRAFT -  
Terrell C. Birch, #19,382

TCB/EAG/jm  
1472-304P

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Attachment(s):